

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID SABINO QUAIR, III,  
Plaintiff,  
v.  
OFFICER CRU, et al.,  
Defendants.

Case No.: 1:21-cv-00560-NONE-SKO

AMENDED ORDER GRANTING  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS AND DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE SHERIFF  
OF THE KINGS COUNTY JAIL

(Doc. 2)

Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Doc. 2.) Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's trust account. The Sheriff of the Kings County Jail is required to send to the Clerk of Court payments from Plaintiff's account each time the amount in the account exceeds \$10, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

As to the status of his complaint, Plaintiff is advised that, pursuant to 28 U.S.C. § 1915(e)(2), the court must conduct an initial review of every pro se complaint proceeding in forma pauperis to determine whether it is legally sufficient under the applicable pleading standards. The

1 court must dismiss a complaint, or portion thereof, if the court determines that the complaint is  
2 legally frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks  
3 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the  
4 court determines that the complaint fails to state a claim, leave to amend may be granted to the  
5 extent that the deficiencies in the complaint can be cured by amendment. Plaintiff's complaint will  
6 be screened in due course.

7       If appropriate after the case has been screened, the Clerk of Court will provide Plaintiff with  
8 the requisite forms and instructions to request the assistance of the United States Marshal in serving  
9 the defendants pursuant to Federal Rule of Civil Procedure 4.

10           In accordance with the above and good cause appearing therefore, IT IS HEREBY  
11 ORDERED that:

12           1. Plaintiff's application to proceed in forma pauperis (Doc. 2) is GRANTED;  
13           2. **The Sheriff of the Kings County Jail or his designee shall collect payments from  
14 Plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding  
15 month's income credited to the prisoner's trust account, and shall forward those payments  
16 to the Clerk of Court each time the amount in the account exceeds \$10.00, in accordance with  
17 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk  
18 of Court. The payments shall be clearly identified by the name and number assigned to this  
19 action.**

20           3. The Clerk of Court is directed to serve a copy of this order and a copy of Plaintiff's  
21 in forma pauperis application on the Sheriff of the Kings County Jail, via the court's electronic case  
22 filing system (CM/ECF).

23           4. The Clerk of Court is directed to serve a copy of this order on the Financial  
24 Department, U.S. District Court, Eastern District of California, Sacramento Division.

25           5. The Order Granting Application to Proceed In Forma Pauperis and Directing  
26 Payment of Inmate Filing Fee by the Sheriff of the Kings County Jail (Doc. 3) is VACATED.<sup>1</sup>

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<sup>1</sup> The prior order (Doc. 3) erroneously stated the amount of the filing fee as \$402.00; the correct amount is \$350.00.

1 IT IS SO ORDERED.

2 Dated: April 7, 2021

3 /s/ Sheila K. Oberto  
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UNITED STATES MAGISTRATE JUDGE